

Minutes of the Planning Commission meeting held on Thursday, November 6, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Scot Woodbury, Chair
Phil Markham, Vice-Chair
Karen Daniels
Tim Taylor
Vicki Mackay
Gary Dansie
Jared Hall, Community and Economic Development Manager
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Buck Swaney

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Division Office.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mrs. Daniels made a motion to approve the minutes of September 18, and October 2, 2014 as written. Mr. Taylor seconded the motion.

A voice vote was made. Motion passed, 6-0

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Jeff & Lori Chivers. Seconded by Mr. Markham.

A voice vote was made. Motion passed, 6-0

ROCK FIT TRAINING – 1048 East Revere Circle – Project #14-167

Jackie Rock was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Planning Commission Approval for a Major Home Occupation for personal training and instruction for the property addressed 1048 E. Revere Circle. Major Home Occupations are home occupations which either require a client to come to the home or which may result in neighborhood impacts if not properly managed. These uses may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in Murray Code Section 17.24. Because of potential impacts, Major Home Occupations require signatures of approval of all abutting and adjacent property owners indicating that

they consent to the use of the property as a major home occupation. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation. Because the applicant was unable to obtain the signatures of all abutting and adjacent property owners to conduct a personal training and instruction business, the applicant has requested that the application be referred to the planning commission for review. Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The planning commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

- Limits on hours of operation;
- Limits on numbers of clients per day/hour;
- Provision of adequate off street parking;
- Other conditions related to mitigating adverse impacts resulting from the use.

Rock Fit Training provides personal training and instruction Monday through Saturday between the hours of seven o'clock (7:00) AM and seven o'clock (7:00) PM with no more than two (2) to four (4) clients per day. The business will be operated by the owner of the home who will provide instruction for a maximum of two (2) individuals at a time. The applicant proposes to use a 228 square foot room of the main dwelling for the training and instruction. Clients will access the room by a sidewalk to the rear yard and a separate entrance at the rear of the home. The applicant has indicated that the driveway for the residence is able to accommodate a total of five (5) off-street parking spaces. With instruction periods being limited to a maximum of two (2) individuals per session, there is sufficient off-street parking provided to meet the demands of the business. Staff has included recommended conditions of approval for consideration of the Planning Commission. Based on the above information and findings, staff recommends that the Planning Commission approve of the request for a major home occupation located at 1048 E. Revere Circle subject to conditions.

Jackilyn Rock, 1048 East Revere Circle, Murray, stated that her business is personal training and 99% of the time it's one on one, but occasionally there may be two clients. She indicated that she has reviewed the staff recommendations and will comply.

The meeting was open for public comment. No comments were made and the public comment portion of the meeting was closed.

Ms. Mackey made a motion to approve a Major Home Occupation for Rock Fit Training, located at 1048 East Revere Circle, subject to the following conditions:

1. The home shall meet building and fire code standards.

2. All business related parking shall be provided on-site and all on-street parking shall not be used for clients of the business.
3. The hours of operation shall be limited to those outlined by the applicant, from seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M.
4. The training and instructional classes shall be limited to a maximum of two (2) clients per session.
5. The applicant shall obtain a Murray City Business License prior to the commencement of business operations and the business shall comply with all standards for home occupations as outlined in Chapter 17.24 of the Murray Municipal Code.

Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 6-0.

NAI & JOSEPH KANELL – 5518 South White Springs Drive – Project #14-166

Nai and Joseph Kanell were the applicants present to represent this request. Mark Boren reviewed the location and request for approval of a Conditional Use Permit for an accessory dwelling unit for the property addressed 5518 South White Springs Drive. Municipal Code Ordinance 17.78 allows an accessory dwelling unit within the R-1-8 zoning district subject to Conditional Use Permit approval. The applicants purchased the home earlier this year from a real estate agent that finished the basement in such a way that an accessory dwelling unit (ADU) is possible. The ADU will consist of a kitchen and living room area, one bedroom, and one bathroom. The ADU will be 967 square feet in size and comprise thirty-nine percent (39%) of the main dwelling. The applicants will continue to use the remaining areas of the basement for storage. A separate entrance for the ADU is provided on the back of the home. The owners will continue to reside in the main dwelling and provide the ADU for use by tenants to supplement housing costs. As their family grows they plan on phasing out the ADU and using the entire home for their family. The primary dwelling is required to have two (2) off street parking spaces and an additional two (2) off street parking spaces must be provided for the ADU. Any additional occupant vehicles shall be parked on site and any on street parking may only be used for visitors. According to the plans that have been submitted, there will be sufficient parking for the main and accessory dwellings. The plans show a two car garage and driveway area that will accommodate about five (5) parking stalls. According to the submitted

site plan and a visit to the property, the single-family residence complies with the minimum setback standards of the R-1-8 zoning district. The landscaping currently in place at this property meets the standards of the Murray City Zoning Ordinance. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit for an accessory dwelling unit at the property addressed 5518 South White Springs Drive subject to conditions.

Joseph and Nai Kanell, 5518 South White Springs Drive. Mr. Kanell stated when they purchased the house it was set up and ready to go. They indicated that they have reviewed the staff recommendations and will comply.

Mr. Woodbury indicated the commission has received two emails regarding this application. One from Lance Andrews and one from Peggy Hettinger, expressing concern whether the CUP will remain with the property, how it will affect zoning, the number of residents, and parking.

The meeting was open for public comment. No comments were made and the public comment portion of the meeting was closed.

Mr. Markham made a motion to grant Conditional Use Permit approval for an accessory dwelling unit (ADU) for the property addressed 5518 South White Springs Drive subject to the following conditions:

1. The project shall meet all applicable building code standards including the installation of interconnected and hard wired smoke and carbon monoxide detectors between units to meet the 2012 International Residential Code.
2. The project shall meet all current fire codes.
3. The project shall comply with all development standards for Accessory Dwelling Units as outlined in Chapter 17.78, including the specific standards listed below:
 - (a) The installation of separate utility meters and the creation of separate addresses are prohibited.
 - (b) The ADU shall not be occupied by more than two (2) related or unrelated adults and their children.
 - (c) A minimum of four (4) off-street parking spaces shall be provided for the main dwelling and accessory dwelling unit. All additional occupant vehicles shall also be parked on site with all on street parking only being reserved for visitors.
 - (d) The property owner shall occupy the main dwelling or the accessory dwelling unit.
 - (e) The owners shall record with the Salt Lake County Recorder's Office an Owner Occupancy Affidavit stating that the owner of the property will reside in either the primary or accessory dwelling unit as their permanent residence. A copy of that

recorded affidavit shall be provided to the Community and
Economic Development Division prior to renting the ADU.
A Murray business license is required for renting an ADU.

Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 6-0.

ARTSY BY NATURE – 6657 South State Street #4 – Project #14-174

Alekisanita ("Leki") Manu was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit approval for a tattoo shop to be located at the property addressed 6657 South State Street #4. Municipal Code Ordinance 17.160 allows tattooing (LU #6295) within the C-D-C zoning district subject to Conditional Use Permit approval. Unit #4 of the Riddle Plaza development contains approximately 490 square feet of net usable area. The proposed business will include a reception desk, a waiting area, two (2) tattoo stations and a sterilization room. The unit currently has an open floor plan with an existing restroom and a large storage room. The applicant has indicated that there would be a maximum of three (3) employees with two (2) tattoo artists and one (1) receptionist. Parking demand for a tattooing business is calculated at the same rate used for beauty and barber shops, which requires three (3) parking spaces for each chair or booth space (See Section 17.72.070). In accordance with the parking calculations listed above, a total of six (6) off-street parking spaces must be provided for this business use. The applicant has submitted a site plan and parking calculations for the Riddle Plaza which summarize the number of parking spaces required for each business use and the total number of parking spaces required for the site. The site plan indicates that there are a total of thirty-seven (37) parking spaces provided for the businesses at Riddle Plaza. After a site visit and review of the submitted application materials, staff has determined that there is sufficient parking to meet the demands of the proposed business use and the other existing businesses. Based on the total of thirty-seven (37) onsite parking spaces provided at this property, two (2) of those spaces must be reserved as ADA parking spaces. After a site visit, staff has confirmed that there are two (2) existing ADA parking stalls provided at this property which meet the minimum number required by ordinance and that each ADA stall complies to the dimension and signage standards for disabled parking spaces. The development complies with the minimum setback requirements of the C-D-C zoning district.

The applicant has submitted a site plan showing the landscaped areas and the

location of trees and shrubs planted in those areas. After a site visit, Staff has confirmed that the existing landscaping does not meet the current zoning standards and does not match the landscaping shown on the site plan. Landscaping in the front setback area will need to be improved in order to comply with the current zoning regulations. Landscaping within the front setback area requires, "three (3) trees, five (5) 5-gallon shrubs and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage." The front setback area includes the first ten feet (10') of the property exclusive of access driveways. According to the site plan submitted by the applicant, the property frontage exclusive of the access driveway is seventy eight (78) linear feet. According to the standards for front setback areas, this property requires two (2) trees, four (4) 5-gallon shrubs, and eight (8) 1-gallon shrubs to be installed within the first ten feet (10') of the property. All landscape areas shall be planted at minimum of fifty percent (50%) landscape bed coverage at time of planting. The existing shrubs and plant materials may count toward the minimum landscape requirements for that area. Based on the information presented in this report, application materials submitted, and the site review, staff recommends approval of the Conditional Use Permit to allow a tattoo business at the property addressed 6657 South State Street #4 subject to conditions.

Mr. Woodbury asked if the landscaping improvements are the responsibility of the property owner or the applicant. He also asked about temporary signs. Mr. McIlrath responded that the landscaping improvements are the responsibility of the property owner. He explained that when a CUP is applied for, the property is then reviewed for its compliance to the zoning regulations. He stated there are certain types of temporary signs allowed on a limited basis. Removal of the prohibited signs.

Leki Manu, 6211 West Townley Street, had no additional comments. He indicated that he has reviewed the staff recommendations and will comply.

The meeting was open for public comment. No comments were made and the public comment portion was closed.

Ms. Daniels made a motion to grant Conditional Use Permit (CUP) approval for a tattoo shop for the property addressed 6657 South State Street #4 subject to the following conditions:

1. The project shall meet all applicable building and fire code standards. The applicant shall submit plans for the proposed changes to the unit for review by the building division.
2. A formal landscape plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Community Development Division and installed as approved prior to occupancy.
 - (a) The front setback area shall be improved to include two (2) trees, four (4) 5-gallon shrubs, and eight (8) 1-gallon shrubs.
3. The applicant shall obtain a Murray City Business License prior to the

commencement of business operations.

4. All prohibited signs outlined in Chapter 17.48 of the Murray Municipal Code shall be removed prior to approval of applicable permits or licenses.

Seconded by Ms. Mackay

Call vote recorded by Brad McIlrath.

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 6-0.

GET SOME GUNS & AMMO – 6651 South State Street – Project #14-176

Stuart Wallin was present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit approval for an Electronic Message Center for the property addressed 6651 South State Street. Municipal Code Ordinance 17.48.200 allows Electronic Message Centers within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant proposes to construct a new detached on-premise sign with a portion of that sign being an electronic message center. The applicant has submitted plans showing a sign with an overall height of twenty-six (26') from grade and a clearance of sixteen feet (16') from grade. The proposed sign area will be a total of one hundred (100) square feet with the electronic message center occupying a twenty (20) square foot area at the bottom of the sign. Detached on-premise signs are required to have a total sign area no larger than 1½ square feet for each linear foot of property frontage. According to the site plan submitted by the applicant the property frontage is approximately seventy-eight (78') linear feet which would allow for a maximum sign area of 117 square feet. With review of the application materials, the total proposed sign area of one hundred (100) square feet complies with the sign area standard of the ordinance. The proposed sign also complies with the overall height maximum of thirty-five feet (35') and the minimum clearance requirement of eight feet (8') for detached on premise signs. The proposed sign is required to maintain a minimum setback from all property lines of two feet (2'). That setback is measured to the nearest point of the sign and not to the pole. Access to this property is directly off of State Street and the proposed sign should not impact any access to this property. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the electronic message center for the property addressed 6651 South State Street subject to conditions.

Ms. Daniels asked for clarification why the property improvements are not required when this is a conditional use application. Mr. McIlrath explained that when it comes

to a sign the zoning regulation are limited. He indicated that if the planning commission feels it is necessary to require landscaping improvements because it conditional use, they have that prerogative to do so.

Mr. Taylor asked if the building setback is 16 ft. from the front property line. Mr. McIlrath responded the setback will be verified with the sign permit process. The sign must meet the front setback of 2ft. from all property lines, as measured from the edge of the sign and not the pole.

Mr. Markham asked if the planning commission has the authority to impose landscaping requirements for this electronic message center application. Ms. Daniels indicated it is important for the city to be consistent on these requirements. Mr. Woodbury stated that to require landscaping it would not mitigate anything for impacts from this sign. Mr. McIlrath responded landscaping requirements have not been required in the past for electronic message center applications and it is important to maintain that consistency.

Stuart Wallin, 5629 South Jordan Canal Road, clarified the measurement of the front setback was taken from their original plans and since then State Street has been widened. He indicated he thought the actual setback is 11ft. He indicated that he will install landscaping in the front setback but thought that there had been a variance granted in 2007. He indicated that he has reviewed the staff recommendations and will comply.

Mr. McIlrath explained that the commission may approve the application for this CUP based on the recommended conditions, and staff can work with the applicant regarding possible modifications to meet code.

The meeting was open for public comment. No comments were made and the public comment portion was closed.

Mr. Taylor made a motion to grant Conditional Use Permit (CUP) approval for an Electronic Message Center for the property addressed 6651 South State Street subject to the following conditions:

1. The project shall meet all applicable building and fire code standards. The applicant shall submit stamped and sealed plans by appropriate design professionals for the proposed sign to the Murray Building Division for the review of a sign permit.
2. The proposed sign shall meet a minimum setback of two feet (2') from all property lines as measured to the nearest point of the sign.
3. The proposed electronic message center shall comply with all standards for electronic message centers signs as outlined in Section 17.48.200 of the Murray Municipal Code. Specific standards related to sign intensity and hours of operation are listed below:

(f) Lamp size may not exceed fifty four (54) watts for daytime usage.

An automatic dimmer must be installed to reduce nighttime wattage to thirty (30) watts.

(g) The electronic message center may not flash or scintillate, except to change the displayed wording to different wording.

(h) An electronic message center located within five hundred feet (500') of a residential area, or as otherwise determined by the planning commission, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day.

Seconded by Ms. Daniels

Call vote recorded by Brad McIlrath

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 6-0.

AMERICAN BEAUTY ACADEMY – 5858 South 900 East – Project #14-179

Ray Francom was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit approval for a barber shop and beauty school to be located at the property addressed 5858 South 900 East. Municipal Code Ordinance 17.160 allows barber and beauty schools (LU #6833) within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant proposes to operate a barber shop and beauty school at this location for thirty-six (36) students with four (4) employees. The existing two story building consists of 8,461 square feet of office/educational space and 9,800 square feet of warehouse space with a total building footprint of 12,200 square feet. The building was previously remodeled to be used as a barber or beauty school in 2011 and was approved by the Planning Commission for that use at that time. Due to changes in parking agreements and the overall business plan from that prior approval, staff deemed it necessary for the review of this application by the Planning Commission.

The applicant has submitted floor plans showing the existing layout of the building with clinic rooms, classrooms and offices located on each floor of the building. The applicant proposes to operate the school on the main floor only and use the adjacent warehouse space for storage. At this time the second floor will not be used for business purposes, but may be used if the school has a future need to expand. There are a total of fifty (50) parking spaces provided on site, with nine (9) of those spaces reserved for compact vehicles and two (2) reserved as disabled parking spaces. The

nine (9) existing compact parking spaces have dimensions of 8 ft. x 16 ft., which do not meet the minimum dimension requirements for off-street parking of 9 ft. x 18 ft. Therefore, only a total of forty-one (41) parking spaces may count towards meeting the minimum standard. Section 17.72.070 of the Murray Municipal Code outlines parking standards for schools, which requires 1 parking space for each employee and 1 parking space for each 3 students of driving age. Based upon this requirement and the information submitted by the applicant, a total of sixteen (16) parking spaces are required for this school. Although, the property has sufficient parking to meet the minimum requirement for schools by ordinance, staff anticipates that the parking demand for this use may require a space for each student and each employee which would require a total of forty (40) parking spaces. The applicant has also indicated that there will be customers coming to the school for services which would increase the parking demand for this site. The applicant has submitted an email from a representative of the mortuary business to the north stating that they would be willing to allow the school to use their parking lot when it is not being used by the mortuary. Alternatives to on-site parking are allowed provided that the other property is no more than two hundred feet (200') from this property as measured along the shortest available pedestrian route of access. Staff recommends that the applicant submit a signed parking agreement for the use of the parking spaces at the mortuary property to the north and as listed in the conditions below. The existing building complies with the setback and height standards of the C-D-C zoning district.

The submitted site plan shows landscaping along the south property line adjacent to the car wash property. A site visit confirmed the existence of that landscaping along with other existing landscaping found throughout the site. The property includes sufficient interior landscaping which has been maintained by the property owner. Landscaping within the front setback area along 900 East consists of lawn, a large shrub, and two (2) trees. As required by Section 17.68.040 of the Murray Municipal Code, landscaping within front setback areas must consist of three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs per one hundred (100) linear feet of property frontage exclusive of access driveways. According to the site plan the property has a total frontage of 150 linear feet with a reduction to 108 feet without the access driveways. According to the landscape standards and the 108 feet of property frontage, the front setback area must be landscaped with three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs. Access for this property is provided by two access driveways directly off of 900 East. The south access is used for ingress and egress, and the north access is only used for egress. Appropriate signage is provided indicating the use of each access. The site plan also shows an access at the south end of the property. After a site visit and review of recent aerial images, this access appears to be closed by a fence at the property to the south. If opened, vehicles would have access to this property by way of the parking lot of the south property addressed 887 E. Vine Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use permit approval for a barber and beauty school for the property addressed 5858 South 900 East subject to conditions.

Ray Francom, 1582 South Richard Street, indicated that he has reviewed the staff recommendations and will comply.

The meeting was open for public comment.

Shiela Jacobs, a previous tenant of the building, stated she had given approval for Mr. Francom to use her floor plans and blue prints. She indicated this building is a good facility for this type of a use.

No additional comments were made and the public comment portion was closed.

Mr. Markham made a motion to grant Conditional Use Permit approval for a barber shop and beauty school for the property addressed 5858 South 900 East subject to the following conditions:

1. The project shall meet all applicable building and fire code standards.
2. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Community Development Division and installed as approved prior to the issuance of a business license. The plan shall show the landscaping improvements required for the front setback area as listed below:
 - (a) Three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs.
3. The trash container shall be screened as required by Section 17.76.170.
4. The applicant shall submit to the a parking agreement which is signed by both property owners indicating that the parking lot for the mortuary may be used as overflow parking for the proposed barber and beauty school. This agreement shall be submitted to and approved by Community Development Staff prior to the issuance of a business license.
5. Due to the limited amount of on-site parking provided at this property, the proposed school shall have no more than forty (40) students and five (5) employees. An application to amend the Conditional Use Permit shall be submitted and reviewed by the Planning Commission for an increase in students or employees greater than the maximum allowed by this approval. At the time of application the applicant shall demonstrate that sufficient parking is provided for the proposed use.
6. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Ms. Daniels

Call vote recorded by Brad McIlrath

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor

A _____ Phil Markham

A _____ Scot Woodbury

Motion passed, 6-0.

CAR 1 AUTO SALES – 4333 South 300 West – Project #14-180

Amy Pardo was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit approval to allow a vehicle sales operation on property located at 4333 South 300 West. The applicants will be leasing a portion of the larger building on this property. A specialty vehicle repair shop is also currently located on this property in another portion of the building. Municipal Code Ordinance 17.152 allows used motor vehicle sales (LU #5512) within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant proposes to open a used car sales lot at this location. The business is currently in operation in the County, but the applicants have indicated that their business has grown, and they would like to relocate. The applicants are the owners and operators. There are no other employees. The applicants sell only used vehicles, and do some light mechanical work as may be necessary to prepare some of the purchased vehicles for resale. All mechanical work is related to the vehicles for sale. The proposed location is not a traditional sales lot, and there are no plans to retro-fit it as such. Rather, the applicants have indicated that most of their sales are initiated through an on-line presence. Potential buyers see a "for sale" posting on-line, and visit the lot to see the specific vehicle. There is no reliance upon or expectation of drive-by visibility for the lot. There is a single, large access for ingress and egress directly from 300 West to the property. The buildings are situated on the north property line, and the remainder of the property is fenced, including a gate which can be rolled across the entrance from 300 West. The units themselves have both standard and overhead doors, all of which open southward, onto the parking field. There are approximately 35 striped parking stalls on the property. Section 17.72.070 indicates that in the case of uses not otherwise specified, the Planning Commission may determine the appropriate number of required parking stalls. The parking regulations for "automobile repair services" indicate a requirement of 3 stalls per repair bay or work station. In the case of this application, that would result in a requirement of 9 stalls. However, the repair service associated here is only used in connection with sales, so the real issue for parking is related more to the applicants' inventory, which is described below. The applicants have indicated that they typically have between 8 and 12 vehicles as inventory. Those numbers include vehicles that are on display, and typically one or two undergoing minor repairs in preparation for display and sale. Under the parking regulations, motor vehicle sales lots are allowed to utilize an "alternative geometry" for the display of their vehicles as opposed to traditional parking stalls. This essentially allows a large lot to stripe parking stalls that are smaller and to stripe more narrow drive aisles. In this case, the applicants will be using a portion of the existing, regularly striped stalls on the lot. With some 17 stalls available to them, Staff is confident that the number of parking stalls available will be more than sufficient for the proposed use. The development complies with the minimum setback requirements of the M-G-C zoning district. Display of vehicles for sale is required to be setback a minimum of 10 feet. All vehicles on sale will be parked on the interior of the lot, and not truly on display. All will be behind the required 10 feet, and Staff sees no issues

with setbacks. The only required landscaping for this property is on 300 West. Existing landscaping in this area is currently installed and well maintained. Based on the information presented in this report, application materials submitted, and the site review, staff recommends approval of the Conditional Use Permit to allow a vehicle sales business at the property addressed 4333 South 300 West subject to conditions.

Mr. Woodbury asked if the 35 parking stalls are striped. Mr. Hall indicated that the parking stalls are striped

Ms. Daniels asked if the existing cars on the lot are the cars to be sold. Mr. Hall responded that there are no cars on the lot at this time for sale and the applicants have indicated there will generally be 6 to 8 cars for sale at a time.

Mr. Markham questioned whether the existing cars on the lot are related to this business or another business and whether the cars have been approved. Mr. Hall responded that staff will need to research this further and will work with zoning enforcement if it is out of compliance and will report back to the planning commission.

Amy Pardo, 1864 East Orchard Circle, stated she and her husband have had a dealership for about 3 years, and are looking to expand into a bigger building.

Mr. Woodbury asked Mrs. Pardo how many cars they typically sell on a monthly basis and do the cars typically need to be repaired. Mrs. Pardo responded they sell an average of 2 to 4 vehicles a month and typically there are no repairs done. Mrs. Pardo indicated they will store the vehicles inside the building and their advertising is done over the internet. Mrs. Pardo indicated that she has reviewed the staff recommendations and will comply.

The meeting was open for public comment. No comments were made and the public comment portion was closed.

Ms. Daniels made a motion to grant Conditional Use Permit approval to allow vehicle sales operations on the property addressed 4333 South 300 West subject to the following conditions:

1. The applicant shall meet all building and fire code standards. The applicant shall submit plans for any proposed changes to the unit for review by the building division.
2. The applicant shall meet all requirements of the Sewer and Water Departments.
3. The applicant shall meet all requirements of the State of Utah pertaining to the sale of motor vehicles.
4. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.
5. No mechanical work unrelated to the vehicle sales shall be performed in conjunction with this business at this location.

Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath

A _____ Vicki Mackay
A _____ Gary Dansie
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham
A _____ Scot Woodbury

Motion passed, 6-0.

LAND USE ORDINANCE TEXT AMENDMENT – Section 17.64 Electrified fences in non-residential, outdoor storage areas - Project #14-175

Michael Pate was the applicant present to represent this request. Jared Hall reviewed the request for a text amendment to allow electrified fences with specific regulations in any non-residential, outdoor storage areas. The application for this text amendment is the result of zoning enforcement activities regarding an existing electrical fence on property at 4600 South and Main Street. Zoning Enforcement has required the fence to be de-activated and is further attempting to have it removed. Ordinance Section 17.64.080, item B, states: "It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge sufficient to cause shock to any person except in agricultural areas. Such electrified fence shall not be energized from a power source which exceeds twelve (12) volts direct current".

In essence, the city will allow electric fences in agricultural settings with a specific voltage power source (as may be typical for some livestock related uses.) In no other areas or zones of the city have they been deemed appropriate. The proposed amendment has been attached to this report. In a very brief summary, it would do the following:

- Maintain the restriction to 12 volt currents
- Require a surrounding, non-electrical fence or wall of at least 6 feet in height.
- Allow electrified fences as a permitted use in any non-residential outdoor storage area.
- Require electrified fences to be 10 feet in height.
- Require a series of warning signs to be placed on the fence at intervals of not less than sixty feet.
- Require them to be regulated and permitted under burglar alarm regulations.

Also attached to this report is some information and literature regarding electric fences supplied by the applicant. Staff feels that the proposed amendment is inappropriate for several reasons:

- Proximity to other zones. Most zones allowing outdoor commercial storage are industrial and manufacturing zones. In many cases, these zones may be

isolated into one area of a city. In Murray, a large area of manufacturing zoning borders not only our Mixed-Use zone, but the Transit-Oriented Development zone and the Murray City Center District zone – all three of which have strict requirements for aesthetics, uses and site design. To allow the visual impact of additional security fencing of the type proposed would be detrimental to the overall efforts that the city has undertaken at improving these areas.

- Visual impacts generally. The proposed regulations would require three aspects to the fencing of concern: 1) 10 feet in height required exceeds what is currently allowed, even in non-residential zones. 2) Excessive signage required because of the nature of the fence. 3) The visual impact of two fences because of the requirement that the 10 foot high electric fence be completely surrounded by a 6 foot regular fence or wall.

There is currently a regulation in place which allows electric fences in limited circumstances. Staff feels that the existing regulations are sufficient, and that the proposed modifications would undermine efforts the city has undertaken to improve upon and expand existing commercial zones and areas in Murray. Based upon the above findings and conclusion, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the proposed zoning text amendment to allow electrified fences in non-residential outdoor storage areas.

Mr. Woodbury clarified that the text amendment only applies to the M-G-C zoning district.

Michael Pate, 121 Executive Center Drive, #230, Columbia South Carolina, stated that his business is basically an alarm company and he is a registered alarm company in the state of Utah as well as several other states. He stated that his business guards a lot for United Rentals and has over 100 other sites. He explained that they use a 12 volt battery, just like a battery in a car, and they amplify those 12 volts up to 7,000 volts. This takes 1.5 seconds to do with an energizer or a capacitor. Once the load is in that capacitor it is released down the line and is measured when the voltage is coming back. If the voltage drops below a certain level, the alarm is set off. The alarm goes off audibly on the site and silently back in Columbia, South Carolina. The property owner is then notified of the alarm and asked if a site visit is desired. The fence can measure these breaks down to about 10 ft. and usually there is a camera involved to see visually why the alarm has been triggered. The property owner would also be able to bring up that particular camera on his computer at home, look down the line to see what is occurring on the property.

Mr. Pate stated they offer a couple levels of security. One is a deterrent level. There are signs installed that state the fence is a 7,000 volt fence which deters most people. The only way they can get to the electric fence is go through a perimeter fence or wall. So someone has to have bad intentions to actually be going to that particular property.

Mr. Pate addressed Mr. Hall's comment about visual impact and aesthetics. He stated that visual impact is almost nonexistent because the sign is not that visible unless you are pretty close to it and there is signage on it. He stated the fencing is a ten gage

wire, 20 strands from the ground up and is typically located behind a chain link fence. The reason the electric fence is higher than a perimeter fence is if there are two fences same height someone can just stand on top of one and drop in on the other one. Most people are not able to go over a 10 foot fence. Separation on the electric fence from the perimeter fence is about 12 inches or so. He stated they have all the apparatuses tested by a nationally recognized testing laboratory to the international standards. Mr. Pate stated that \$1.2 trillion dollars are spent by citizens trying to protect their property and residential areas are the most vulnerable folks. Mr. Pate asked that the commission send a positive recommendation to the city council for this proposed text amendment.

Mr. Woodbury asked Mr. Pate about the 12 inch separation between the electric fence and the perimeter fence. Mr. Pate responded that the two fence lines together make it much more difficult to defeat the electric fence if they are fairly tight together. Electric gates need to be mounted fairly, like 3 or 4 inches. to get past the guides and they prefer to have the two fences fairly close together so they operate as one unit. He stated they prefer the fences be close to prevent someone from dropping in between the fences where they could start manipulating that electric fence.

Mr. Woodbury asked Mr. Pate if they have considered the possibility where someone could reach their arm through the perimeter fence and reach the electric fence. Mr. Pate responded that he would compare his electric fence to a cattle fence in that it is going to feel bad, but you are not going to get injured.

The meeting was open for public comment. No comments were made and the public comment portion was closed.

Mr. Markham stated that his initial thought is that if there is a business that wishes to conduct business in Murray that feels that they have to have this level of security; that the business ought to consider moving to another location.

Mr. Woodbury stated he does not have a lot of experience with these types of fences, but he can understand the value and benefit. He expressed concern where there are a lot of areas where commercial is next to residential properties which is a great concern. He stated if there were a big district that was all commercial that was not surrounded by residential it may be appropriate, but that is not the case in the Murray City.

Mr. Markham made a recommendation of denial to the city council for the proposed zoning text amendment to allow electrified fences in nonresidential out door storage areas. Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath

A _____ Vicki Mackay

A _____ Gary Dansie

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

A _____ Scot Woodbury

Motion passed, 6-0.

Mr. Woodbury indicated this item will be scheduled with the city council in the future and the applicant will be notified of that hearing date.

Other Business

Mr. Hall stated he would like a member of the commission to serve on the steering committee for the general plan update.

Meeting adjourned at 8:00 p.m.


Jared Hall, Manager
Community and Economic Development